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6 *and Zetian Systems West, Inc.*

7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 BOARD OF TRUSTEES OF THE
10 GLAZING HEALTH AND WELFARE
10 FUND;; et. al,

Case No.: 17-CV-01638-JAD-NJK

11 Plaintiffs,

ECF Nos. 52, 69

12 vs.
13 Z-GLASS INC., a Nevada Corporation;
14 ZETIAN SYSTEMS, INC., a Nevada
14 Corporation; ZETIAN SYSTEMS WEST,
15 INC., a California Corporation;
15 WESTERNGLASS SYSTEMS INC., a
16 Nevada Corporation; JOHN DOES I-XX,
16 inclusive; and ROE ENTITIES I-XX,
17 inclusive,

18 Defendants.

19 **STIPULATION AND ORDER TO DISMISS**
20 **COUNTERCLAIM WITHOUT PREJUDICE**

21 Defendant/ Counterclaimant Z-Glass, Inc., by and through their counsel of record,
22 David Mincin, Esq.; and Plaintiffs Board Of Trustees Of The Glazing Health and Welfare
22 Fund, et al., by and through their counsel of record, Wesley Smith, Esq., stipulate and agree as
23 follows.
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1 **Whereas** Z-Glass, Inc. filed a Counterclaim against Plaintiffs on March 5, 2018 [ECF
2 No. 46] ("Counterclaim").

3 **Whereas** Plaintiffs filed a Motion to Dismiss the Counterclaim on March 23, 2018
4 [ECF No. 52] ("Motion to Dismiss").

5 **Whereas** in light of the arguments stated in the Motion to Dismiss, specifically
6 Plaintiffs citation to *Carpenters Health & Welfare Trust Fund v. Bla-Delco Constr.*, 8 F.3d
7 1365, 1369 (9th Cir. 1993), Z-Glass, Inc. agrees that the Counterclaim should be dismissed
8 without prejudice.

9 **It Is Hereby Stipulated** that the Counterclaim filed by Zglass, Inc. on March 5, 2018
10 [ECF No. 46] be dismissed without prejudice.

11 **It Is Further Stipulated** The Motion to Dismiss [ECF No. 52] is hereby withdrawn,
12 as moot, with leave to refile should the Counterclaim be reasserted.

13 SO STIPULATED

14 DATED this 6th day of April, 2018.

15 MINCIN LAW, PLLC

17 By: /s/ David Mincin
18 David Mincin, Esq.
19 State Bar No. 5427
20 7465 W. Lake Mead Boulevard, #100
21 Las Vegas, Nevada 89128
22 Attorney for Z-Glass, Inc.,
23 Zetian Systems, Inc.,
24 and Zetian Systems West, Inc.

SO STIPULATED

DATED this 6th day of April, 2018.

CHRISTENSEN JAMES & MARTIN

By: /s/ Wesley Smith
Wesley Smith, Esq.
State Bar No. 11871
7440 W. Sahara Avenue
Las Vegas, Nevada 89117
Attorney for Board of Trustees of
the Glazing Health and Welfare
Fund, et al.

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ORDER

Based on the foregoing Stipulation between the parties [ECF No. 69],

3 **IT IS HEREBY ORDERED** that the Counterclaim filed by Zglass, Inc. on March 5,
4 2018 [ECF No. 46] is hereby dismissed without prejudice and The Motion to Dismiss [ECF
5 No. 52] is **DENIED** as moot, with leave to refile should the Counterclaim be
6 reasserted..

13th

DATED this ____ day of April, 2018.

District Court Judge

SUBMITTED BY:

MINCIN LAW, PLLC

By: /s/ David Mincin
David Mincin, Esq.
State Bar No. 5427
7465 W. Lake Mead Boule
Las Vegas, Nevada 89128
Attorney for Defendants

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